

IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

APPLICANT(S): Magnuson, Thomas R.
APPLICATION NO.: 10/791,430
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TITLE: Illuminating Brake Release for a Motor Chain Saw
EXAMINER: Ghassem Alie
GROUP ART UNIT: 3724
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RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF

SIR:

In response to the Notification of Non-Compliant Appeal Brief mailed May 19, 2009, please consider the following amendments and remarks.

Listing of Claims

The following is the listing of claims, which will replace all prior versions, and listings, of claims in the application:

Claims:

Claims 1 through 40. (Canceled)

41. (Previously Amended) A motor chain saw having a braking mechanism operatively attached to a brake release wherein the brake release comprises a brake release handle having a front wall, a rear wall, and a light source, wherein the light source is secured within the brake release handle and is adapted to emanate from the front wall and wherein said front wall comprises translucent material.

Claim 42. (Canceled)

43. (Previously Amended) The motor chainsaw of Claim 41, wherein the front wall comprises a cover reversibly attached to the brake release handle.

44. (Previously Amended) The motor chainsaw of Claim 41, wherein the translucent material is plastic.

Claim 45. (Canceled)

46. (Previously Amended) The motor chainsaw of Claim 41, wherein the translucent material is glass.

47. (Previously Amended) The motor chainsaw of Claim 41, wherein the light source is affixed to a plate secured within the brake release handle.

48. (Previously Amended) The motor chainsaw of Claim 41, wherein the plate is attached to an interior surface of the rear wall.

49. (Previously Amended) The motor chainsaw of Claim 41, further comprising a power source for supplying electricity to the light source.

50. (Previously Amended) The motor chainsaw of Claim 49, wherein the power source is located within the brake release handle.

51. (Previously Amended) The motor chainsaw of Claim 49, wherein the power source comprises at least one battery.

52. (Previously Amended) The motor chainsaw of Claim 41, wherein the light source comprises a light emitting diode.

53. (Previously Amended) The motor chainsaw of Claim 52, wherein the light source comprises two or more light emitting diodes.

54. (Previously Amended) The motor chainsaw of Claim 41, wherein the brake release handle further comprises a switch for activating the light source.

55. (Previously Amended) The motor chainsaw of Claim 41, wherein the switch is located in the rear wall.

56. (Previously Presented) The motor chainsaw of Claim 41, wherein the translucent material is plexiglass.

REMARKS/ARGUMENTS

This is in response to the Notification of Non-Compliant Appeal Brief mailed May 19, 2009.

No amendments to the claims are presented by this response.

The following replacement sections are provided for the sections identified as defective in the notification.

For Section 3, titled "Status of Claims", the following is provided to cite the claims on appeal:

3. Status of Claims

Claims 41, 43-44 and 46-56 remain pending in the application. Each of these claims was submitted as part of the RCE filed in the case.

All of the claims were amended at some point during examination.

Claims 1 through 40, 42 and 45 have been canceled.

Claims 41, 43-44 and 46-56 stand rejected.

No claims are allowed.

Claims 41, 43-44 and 46-56 are the claims being appealed.

For Section 5, the section titled "Summary of the Claimed Subject Matter", the following is provided as a modified section to identify Claim 41 and refer to the specification by page and line number and to the drawings by reference characters:

5. Summary of the Claimed Subject Matter

All references made to the patent application in the descriptions for the following summary are taken from the figures, columns and paragraphs as filed with the RCE application.

As per Claim 41, the claimed subject matter includes (as per FIG. 1) a motor chain saw characterized in that the chain brake release or triggering device (10) holds a light source (11) that is directed over the cutting region of the saw chain. FIGS. 2 through 4 show the brake release of the invention (10), assembled in the mode for attachment to a motor chain saw (not shown). The specification describes these elements at page 2, lines 12 – 25.

In operation of the brake release (10), the brake release is manually operable to a brake release position, or ready position, from a braking position, where in the latter position the extension is engaged and the braking mechanism has stopped the motion of the saw chain.

The brake release (10) described herein has a light source (11) located in the brake release operatively positioned for illuminating the saw chain while in operation, with the light source emanating from the front wall (12) to illuminate at least a portion of the saw chain while in operation. Preferably, the front wall (12) comprises a translucent material, with the light source (11) protected and secured behind the translucent material.

Conclusion

In light of the above remarks, Applicant believes that the application is in condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

This response is being filed with an extension of time to reply to extend the period two (2) months, from June 19, 2009, to August 19, 2009.

Any additional required fees are requested to be charged to deposit account 50-1577.

If the Examiner has any questions regarding this communication, he is invited to contact the undersigned at (916) 930-2585.

Respectfully submitted,

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